

Order

Michigan Supreme Court
Lansing, Michigan

September 19, 2008

Clifford W. Taylor,
Chief Justice

136147

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 136147
COA: 283166
Isabella CC: 06-001391-FH

VINCENTE LAMAR LIPSEY,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the February 26, 2008 order of the Court of Appeals is considered. We DIRECT the Isabella County Prosecuting Attorney to answer the application for leave to appeal within 28 days after the date of this order. The prosecutor should address the parties' agreement, as part of the plea bargain, that the defendant's sentence in this case would be imposed concurrently to the defendant's paroled sentence(s). In particular, the prosecutor should address: (1) what the parties understood "concurrent" sentences to mean under these circumstances; (2) whether the 168 days' jail credit toward the maximum sentence(s) for the defendant's paroled sentence(s), as described by the Michigan Department of Corrections Record Specialist who testified on October 12, 2007, rendered the 2007 sentence "concurrent" to the paroled sentence(s) within the meaning of the parties' plea agreement; (3) whether the defendant received any jail credit, as a result of the plea agreement, that would not normally be afforded to a parolee who is returned to prison after being convicted of a new offense while on parole; and (4) in light of the answers to these questions, whether the term of the plea agreement requiring concurrent sentences was honored.

The application for leave to appeal remains pending.



d0916

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 19, 2008

Corbin R. Davis

Clerk